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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

AUG 2 2011

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-082

Joel Smith
Wolf Den
61 West Wapato Road
Wapato, Washington 98951

Re: ~~Underground Storage Tank (UST) Field Citation No. 7028, from the~~
May 4, 2010, UST facility inspection of Wolf Den, Wapato, Washington (EPA ID No. 4260127)

Dear Mr. Smith:

The information that the EPA received from you satisfies the violation cited in Field Citation No. 7028, issued on May 10, 2010, for your facility located at 61 West Wapato Road, Wapato, Washington. Thank you for submitting the necessary documentation needed to bring your facility into compliance.

Please note that if a future inspection should find your facility out of compliance with the previously cited requirements, that this expedited form of enforcement may not be available a second time. The EPA may use a more formal enforcement mechanism with much more substantial penalties, in the case of a repeat violation. Maintaining compliance with these requirements is critical.

You may have technical or regulatory questions in the future, in which case, please feel free to contact Phil Nenninger, Indian Health Service (IHS), at (360) 792-1235, extension 111.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Contreras".

Peter Contreras, Manager
Ground Water Unit

Enclosure

1. Field Citation No. 7028

cc w/enc: Phil Nenninger
Indian Health Services

PART I: INSPECTION SUMMARY

On: 5/4/2010 Time: 3:30
(Date of Inspection) (a.m. or p.m.)

At: Wolf Den
(Facility Name)

4260127
(Facility Identification Number)

Address: 61 W. Wapato Road
Wapato, WA 98951

Joel Smith
(Name of On-site Representative If not the Owner or Operator)

Name and address of the UST Owner or Operator (circle which applies).

Name: Lupine, Inc.

Address: 61 W. Wapato Road
Wapato, WA 98951

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Failure to monitor tanks every
30 days

40 CFR 280, 41a Proposed Penalty: \$ 420.00

2. Violation: Failure to provide adequate line
leak detector and annual testing.

40 CFR 280, 44a Proposed Penalty: \$ 210.00

3. Violation: _____

40 CFR 280 _____ Proposed Penalty: \$ _____

4. Violation: _____

40 CFR 280 _____ Proposed Penalty: \$ _____

5. Violation: _____

40 CFR 280 _____ Proposed Penalty: \$ _____

PROPOSED PENALTY TOTAL: \$ 630.00

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

[Signature] Date: 05/10/2010
(Signature of Authorized Officer/Employee of EPA)

PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the Treasurer of the United

States of America for the amount of \$ 630. in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 10, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (print): JOEL SMITH

Title (print): MANAGER

Signature: [Signature] Date: 6/8/11

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (print): PETER CONTRERAS

Title (print): MANAGER, GWU

Signature: [Signature] Date: 1 Aug 2011

Notes:

Provide copies of June 2010 and July 2010
"Liquid Status Reports" to EPA. Due: 7/20/10
Have certified technician test ALLO
and send copy of passing results to EPA
Due: 6/4/10

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CONCURRENCE						
Initials	<i>KMG</i>					
Name	Griffith	Contreras				
Date						